BOARD OF VETERINARY MEDICAL EXAMINERS

Minutes

Date: December 14, 2011

Time: 9:00 a.m., C.S.T.

Location: Iris Room

227 French Landing, Suite 150 Heritage Place MetroCenter Nashville, TN 37243

Nashville, 11v 5/245

Members Present: Bryan W. Bondurant, D.V.M., President

Valisa Thompson, Consumer Member

Forrest W. Reynolds, D.V.M.

Joseph Kendrick, D.V.M., Secretary

Charles R. Halford, D.V.M. Stephen S. Galloway, D.V.M.

Charles Hatcher, D.V.M., State Veterinarian, Ex-officio Member

Members Absent: Janet Jones, L.V.M.T., Vice-President

Staff Present: Rita Buckner-Shelton, Board Administrator

Lisa Lampley, Board Director

Christopher M. Smith, Board Attorney

Upon the determination of a quorum being present, the Board meeting was called to order by Dr. Bondurant at 9:10 a.m.

Welcome New Board Member

The Board welcomed Dr. Stephen S. Galloway, D.V.M., who replaced Dr. Tiffany Rogers, D.V.M. His term expires July 31, 2016.

Approval of Minutes

Dr. Kendrick made a motion, seconded by Ms. Thompson, to approve the August 24, 2011 minutes. The motion carried.

Applicant Interviews

Clyde J. Beggs, D.V.M.

The Board reviewed an application for licensure by reciprocity as a veterinarian submitted by **Clyde Beggs, D.V.M.** Dr. Beggs answered "yes" to the question on the application regarding disciplinary action in another state. Dr. Beggs was present and answered questions from the Board. After discussion and review of the documentation, Dr. Halford made a motion, seconded by Dr. Kendrick, to grant the license contingent upon the following: 1) within 30 days, Dr. Beggs must submit signed letters from his previous two employers certifying his competency as a veterinarian and his ability and willingness to keep accurate records; 2) he must submit a signed letter from Betty L. Stephenson, DVM. The license will be on probation for one (1) year, and Dr. Beggs will be required to appear before the Board at the end of that period to have the probation lifted. The motion carried.

Wilfred Patrick Johnston, C.A.E.T.

The Board reviewed an application for certification as an animal euthanasia technician for **Wilfred Johnston**. Mr. Johnston answered "yes" to the question on the application regarding conviction of a felony or misdemeanor other than a minor traffic offense. Mr. Johnston was present and answered questions from the Board. He had a misdemeanor conviction in 2004. Ms. Karen Josephson, Director, Montgomery County Animal Control, spoke on behalf of Mr. Johnston. After discussion and review of the documentation provided by the applicant, Dr. Kendrick made a motion, seconded by Dr. Halford, to approve the application. The motion carried.

Kevin Mark McKenzie, C.A.E.T.

The Board reviewed an application for certification as an animal euthanasia technician for **Kevin McKenzie**. Mr. McKenzie answered "no" to the question on the application regarding conviction of a felony or misdemeanor other than a minor traffic offense but he had misdemeanor convictions in 1984 and 1999. Ms. Karen Josephson, Director, Montgomery County Animal Control, spoke on behalf of Mr. Johnston. After discussion and review of the documentation provided by the applicant, Dr. Halford made a motion, seconded by Dr. Reynolds, to approve the application. The motion carried.

Order of Compliance - Rita E. Buice, L.V.M.T.

Mr. Chris Smith, Board Attorney, presented the Order of Compliance to the Board. Dr. Halford made a motion, seconded by Dr. Kendrick, to approve the Order of Compliance. The motion carried.

Order of Compliance - Kendrall C. McFarland, C.A.E.T.

Mr. Chris Smith, Board Attorney, presented the Order of Compliance to the Board. Dr. Kendrick made a motion, seconded by Ms. Thompson, to approve the Order of Compliance. The motion carried.

Consent Order - Robynne Marie Ferguson, D.V.M.

Dr. Robynne Ferguson was not present and was not represented by counsel. Mr. Christopher Smith, Assistant General Counsel, presented the Consent Order to the Board for ratification. Dr. Ferguson operated a veterinary facility for one hundred thirty-two (132) months without a premise permit. Dr. Ferguson agreed to a reprimand of her license and agreed to pay civil penalties in the amount of \$6,600.00. Dr. Kendrick made a motion, seconded by Dr. Galloway, to accept the Consent Order. The motion carried.

Investigations and Disciplinary Report

Ms. Juanita Stone, Disciplinary Coordinator, reported that there are currently twenty-five (25) open complaints in the Office of Investigations. The disciplinary report indicated that twenty-four (24) individuals are currently being monitored for compliance with Board orders.

Policy Statement - Applicants for Licensure Who Have Criminal Convictions

Mr. Chris Smith, Board Attorney, presented a draft policy. Upon discussion, Dr. Kendrick made a motion, seconded by Ms. Thompson, to adopt the following policy regarding applicants for licensure who have criminal convictions:

Any applicant who has been convicted of a felony will be required to appear before the Board before any license, certification, reinstatement, renewal, or practice authorization may be issued.

Any applicant who has more than one serious misdemeanor conviction will be required to appear before the Board before any license, certification, reinstatement, renewal, or practice authorization may be issued.

Any applicant who has a single serious misdemeanor conviction 10 years or less from the date the application was submitted to the Board will be required appear before the Board before any license, certification, reinstatement, renewal, or practice authorization may be issued.

Any applicant who has been convicted of one or more Class B or Class C misdemeanors (or the equivalent in other jurisdictions) *may* be required to appear before the Board before any license, certification, reinstatement, renewal, or practice authorization may be issued. The Board's Director, in consultation with the Board attorney, Board President, and/or Director of Health Related Boards, will make the determination.

The motion carried.

Discussion – 2012 Music City Veterinary Conference

The 2012 Music City Veterinary Conference is scheduled to be held March 9 - 11, 2012 at the Franklin Marriott Cool Springs in Franklin, TN. Dr. Galloway made a motion, seconded by Dr. Halford, to approve payment of the cost for Ms. Lampley to attend and be an exhibitor at the conference. The motion carried.

Controlled Substance Database Advisory Committee

Dr. Reynolds was appointed as the board member representative to serve on the Controlled Substance Database Advisory Committee. Dr. Reynolds replaces Dr. Halford on the committee.

Discussion - Length of Time Criminal Background Checks are Valid

Upon discussion, Dr. Kendrick made a motion, seconded by Dr. Halford, to adopt the following policy statement regarding the period of time in which a criminal background check will be considered valid:

A criminal background check ("CBC") obtained for licensure purposes is valid for one year from the date listed on the CBC results.

If one year has passed without a licensure application being completed, a new CBC must be obtained and results sent to the Board in order to complete the application.

The motion carried.

Financial Report

A financial report reflecting revenues and expenditures for fiscal year ending June 30, 2011 was reviewed. The report reflected a net of \$80,638.25 for FY2011 and a \$96,610.34 cumulative carryover.

Office of General Counsel (OGC) Report

Mr. Chris Smith, Board Attorney, reported that the proposed rule amendments pertaining to veterinarians, veterinary facilities, veterinary medical technicians, certified animal control agencies, and certified animal euthanasia technicians are currently in internal review.

The Office of General Counsel has eight (8) disciplinary cases pertaining to the Board of Veterinary Medical Examiners.

There is one Consent Order to be presented to the Board. There is currently one contested case set for hearing at the next Board meeting.

There are no appeals in Chancery Court from the Veterinary Board. The Board's decision in the matter of *Kevin Cox*, *DVM* was affirmed by the Tennessee Court of Appeals on October 21, 2011.

Mr. Smith attended the 19th Annual Federation of Associations of Regulatory Boards (FARB) Attorney Certification Seminar held September 29, 2011 - October 2, 2011 in Park City, Utah. He expressed his gratitude to the Board for allowing him to attend this meeting. He stated the meeting was very informative and provided a lot of interaction among attendees. They discussed cases going on in different states as well as new legislation.

Inspection Status Report

A copy of the inspection status report was reviewed. A total of ninety-two (92) inspections were conducted during the period of August 2011 – November 2011. The Board expressed appreciation to Dr. Robert Taylor, Board Consultant, for his contribution to the inspection process.

Director's Report

Ms. Lampley welcomed Dr. Galloway and expressed her appreciation of his willingness to serve on the board. Dr. Galloway replaced Dr. Tiffany Rogers whose term expired July 31, 2011.

Dr. Bondurant and Ms. Lampley attended the American Association of Veterinary State Boards (AAVSB) Annual Meeting and Conference held September 15 -17, 2011 in New Orleans, Louisiana. Summaries of the conference presentations were available. The meeting was very valuable and informative.

Report of Total Active Licensees as of November 30, 2011:

Veterinarians:	1,983
Veterinary Medical Technicians:	444
Veterinary Facilities:	676
Certified Animal Euthanasia Technicians:	257
Certified Animal Control Agencies:	65

Effective August 1, 2011, the standard mileage rate increased to \$0.47/mile. Effective October 1, 2011, the in-state maximum lodging rate for Davidson (Nashville) is \$107.00 and meals and incidentals are \$66.00 per day.

Continuing Education Audit Report

During the audit period January – June 2011, a total of twenty-one (21) veterinarians and twelve (12) veterinary medical technicians were audited. All were found to be compliant with continuing education requirements.

Continuing Education Course Approval

The following requests for approval of continuing education hours were reviewed:

A request from **Airport Pet Emergency Clinic** for approval of six (6) each continuing education hours for the following meetings to be held in calendar years 2012 – 2014:

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"Dermatology – The Itchy Pet 2!" – March 13, 2012
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[&]quot;Financial Management Boot Camp" – April 16 – 17, 2012

[&]quot;Feline Medicine" – May 6, 2012

[&]quot;Ophthalmology" – October 7, 2012

[&]quot;Well-Managed Practice" – December 2, 2012

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"Neurology" – March 10, 2013
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A request from **Benchmark Leadership Training** for approval of forty-eight (48) continuing education hours (4 hours per month) for the course entitled "**Bullet Proof Manager**" to be held over a 12-month period in three Tennessee locations (Nashville, Knoxville, and Chattanooga).

A request from **Boehringer-Ingelheim Vetmedica**, **Inc.** for approval of two (2) continuing education hours for a presentation entitled "**Shot through the heart**, will you be blamed? **Don't give radiology a bad name**" held August 23, 2011 in Nashville, TN

A request from **Boehringer-Inngelheim Vetmedica**, **Inc.** for approval of four (4) continuing education hours for the "**Veterinary Women's Retreat**" held September 17, 2011 in Silver Point, TN.

A request from **Chi Institute of Chinese Medicine** for approval of continuing education hours for the following courses held on-line and in Seattle, WA and Reddick, Florida:

"Veterinary Acupuncture and Herbal Medicine Introduction Small Animal"- Seven (7) hours – September 24-25, 2011 in Seattle, WA

"Veterinary Acupuncture and Herbal Medicine Introduction Equine" – Seven (7) hours – September 25, 2011 in Seattle, WA

"13th Annual Traditional Chinese Veterinary Medicine Conference" – Twenty-eight (28) hours – November 3 -6, 2011 in Reddick, FL

"Spring Acupuncture Program 2012" – One hundred thirty (130) hours – On-line and in Reddick, FL

"Equine TCVM Diagnostics & Advanced Acupuncture 2012" – Twenty-eight (28)hrs. – January 26 – 29, 2012 in Reddick, FL

"Small Animal TCVMM Diagnostics & Advanced Acupuncture 2012" – Twenty-eight (28) hrs. – January 19 – 22, 2012 in Reddick, FL

A request from **DVM Consultants** for approval of continuing education hours for the following courses to be held at state and district association meetings in calendar year 2012:

DVMC-1120, Personal Financial Management for Veterinarians – 1 hr. DVMC-1130, Business Planning and Projections for Veterinary Practices – 1 hr.

[&]quot;Oncology" – May 5, 2013

[&]quot;Radiology/Ultrasound" – October 6, 2013

[&]quot;It's What is Up Front That Counts" – December 8, 2013

[&]quot;Anesthesia/Toxicology" – March 9, 2014

[&]quot;Gastroenterology" - May 4, 2014

[&]quot;Cardiology" – October 5, 2014

[&]quot;Practice Management" - December 7, 2014

DVMC-1140, Understanding Credit Reports and Credit Scoring - 1 hr.

DVMC-1160, Effective Marketing for Veterinarians – 1 hr.

DVMC-2110, Determining the Value of a Veterinary Practice – 2 hrs.

DVMC-2130, Types and Sources of Business Capital for Veterinarians – 2 hrs.

A request from **Nashville Veterinary Specialists** for approval of two (2) continuing education hours each for the following sessions to be held in calendar 2012 in Nashville, TN:

Jan. 10th – "Review of Surgical Techniques for Intestinal Neoplasms"

Feb. 7th – "Managing Anesthetic Issues: Part 1"

Mar. 6th – "What's New in Anticonvulsants"

Apr. 10th – "Canine Pyodermas"

May 8th – "Highlights on Various Infectious Diseases"

Jun. 5th – "Managing Anesthetic Issues: Part 2"

Jul. 10th – Differentiating Neurologic from Behavior Disorders"

Aug. 14th - "Identifying and Addressing Malocclusions"

Sept. 11th – "Surgery of the Upper Airway"

Oct. 9th – "Novel Therapies in Oncology"

Nov. 6th - "Case Presentations in Neurology"

Dec. 4th – "Canine Limb Sparing Techniques"

A request from **Novartis Animal Health** for approval of two (2) continuing education hours for a presentation entitled "Suture Science and Selection, Technology in Wound Closure" held September 13, 2011 in Memphis, TN.

A request from **Pfizer Animal Health** for approval of two (2) continuing education hours for a presentation on "**Antibiotic Therapy**" held October 27, 2011 in Cordova, TN.

A request from **Pfizer Animal Health** for approval of two (2) continuing education hours for a presentation on "**OA and Multi-Modal Pain Management in Small Animals**" held November 7, 2011 in Memphis, TN and December 8, 2011 in Eads, TN.

A request from **Pfizer Animal Health** for approval of two (2) continuing education hours for a presentation entitled "**The Zen of Cats**" to be held December 7, 2011 in Memphis, TN and December 8, 2011 in Nashville, TN.

A request from **Pfizer Animal Health** for approval of two (2) continuing education hours for a roundtable discussion on "**Surgical Techniques and Pain Management/Osteoarthritis Protocols**" to be held November 8, 2011 in Clarksville, TN and November 9, 2011 in Murfreesboro, TN.

A request from **R.I.V.E.R.** for approval of thirty-two (32) continuing education hours for a training class entitled "**Advanced Principles of Anesthesia for Veterinary Technicians**" held September 16 – November 18, 2011 in Chattanooga, TN.

A request from **R.I.V.E.R**. for approval of sixteen (16) continuing education hours for the "River City Annual Veterinary Conference" held December 10 - 11, 2011 in Chattanooga, TN.

A request from Tennessee Cattlemen's Association for approval of six (6) continuing education hours for the "2012 Tennessee Cattlemen's Association Convention and Trade Show" to be held January 19-21, 2012 in Murfreesboro, TN.

A request from **UT Extension-Shelby County** for approval of eight (8) continuing education hours for a course entitled: "Advanced Equine Management" held August 15 - 16, 2011 in Memphis, TN.

A request from **Veterinary Ophthalmology Services** for approval of one (1) continuing education hour each for the following lectures held in Nashville, TN:

- "Medical and Surgical Management of Lens Associated Problems (Canine)" November 15, 2011
- "Keratoconjunctivitis sicca (KCS)" Date: TBD
- "Ulcerative Keratitis" Date: TBD
- "Advances in the Surgical Management of Glaucoma" Date: TBD

A request from **Jennifer Miller, DVM** for approval of twenty (20) continuing education hours per year for calendar years 2011 – 2014 during her **Residency with the American College of Veterinary Radiology** at Mississippi State University College of Veterinary Medicine.

A motion was made by Dr. Kendrick, seconded by Dr. Reynolds, to approve all courses. The motion carried.

Discussion/Review – Lapsed License Policy

Upon discussion, Dr. Halford made a motion, seconded by Dr. Kendrick, to adopt the following policy regarding licensees practicing on an expired license/certificate:

To renew a license or certificate, the licensee must pay the biennial renewal fee and comply with the other requirements for renewal contained in the Board's statutes and rules. If the licensee has failed to renew by the expiration date, then the license or certificate is immediately considered expired.

Any licensee who has failed to renew after a six (6) month grace period and continues to practice is subject to a Type C civil penalty of \$100.00 for each additional month of practice beyond the grace period. Any licensee found to be practicing on an expired license or certificate for a period of eighteen (18) months or longer will be referred to the Office of General Counsel for further disciplinary action.

The motion carried.

Ratifications

A motion was made by Dr. Kendrick, seconded by Dr. Galloway, to approve the presented list of newly licensed/certified or reinstated veterinarians, veterinary medical technicians, veterinary

facilities, certified animal euthanasia technicians, and certified animal control agencies. The motion carried.

Veterinarians – Newly Licensed

Aimee Lynn Berliner, DVM
Karen Louise Blanchard, DVM
Cara Alexandria Clouse, DVM
James Hunter Corley, DVM
Erica Lyn Eads, DVM
Marigold Ellen Ernst, DVM
Estella Marie Fleming, DVM
Jennifer Lynn Frankot, DVM
Laura Lynn George, DVM
Liberty M. Getman, DVM
Megan Mullis Green, DVM
Stacy Leigh Haggard, DVM

Crystal Joy Hamann-Showen, DVM
Kristen Elizabeth James, BVMS
Felicia Ann Knightly, DVM
April Marie Koich, DVM
Milivoj Alejandro Milosevic, DVM
Stephanie Lyn Nannenga, DVM
James Thomas Nation, DVM
Jeffrey Carl Phillips, DVM
Neelie Lyn Rapien, DVM
Bret Samuel Rings, DVM
Ray G. Rudd, DVM
Ana Margarita Woc Colburn, DVM

<u>Veterinarians – Reinstated</u>

Russell Steven Bauman, DVM Donald Lee Brockman, DVM Nancy Cha Fishe Goldston, DVM Robert W. Henry, DVM Tonnie Marie Ray, DVM

Veterinary Medical Technicians- Newly Licensed

Jamie Michelle Averbeck, LVMT
Isamar Haydee Bennett, LVMT
Megan Danielle Bishop, LVMT
James Alexander Chatman, LVMT
Tanya Marie Colburn, LVMT
Wrenda Michelle Curd, LVMT
Diane Ruth Deehan, LVMT
Cheryl A. Deshotel, LVMT
Stefanie Nicole Douglass, LVMT
Kristy Chantelle Goodman, LVMT
Lauren Kristine Holman, LVMT
Bethany D. Jarrett, LVMT

Leah Grace Kelley, LVMT
Jessica Brooke Mallard, LVMT
Cameron Renee McKeel, LVMT
Nicole Alyson Miller, LVMT
Heather Lynn Rietdorf, LVMT
Susan Stanfill Shannon, LVMT
Sandra Jean Skeba, LVMT
Margie Suzanne Stoppelbein, LVMT
Taylor Danielle Sullivan, LVMT
Andrew Kyle Teague, LVMT
Janet Lois Treese, LVMT
Carla Deanna Woodard, LVMT

<u>Veterinary Medical Technicians – Reinstated</u>

Mary Kathryn Fee, LVMT Cynthia Lynn Ingram, LVMT Renee Raquel Racey, LVMT

Veterinary Facilities

Affordable Vaccinations Animal Aid, LLC Mountain Top Veterinary Services, LLC Old Stone Fort Veterinary Services

Claiborne Animal Shelter Donelson Animal Hospital Ferguson Animal Hospital, PLC Gallatin Animal Hospital, PLLC LCAH Veterinary Services, LLC Middle TN Vet Service Pauls Clinic, Inc.
Premier Vet Care
Rocky Top Veterinary Hospital
The Pet Care Center of Jackson South
The Pet Doctor Home Office & Clinic

Certified Animal Euthanasia Technicians - Newly Licensed

Elizabeth Dawn Ambrose, CAET Donald F. Daugherty, CAET

Billy Abel Dildine, CAET Robert Nicholas Forbes, CAET Matthew George Krist, CAET Jeffery Lee Lumpkins, CAET Austin Trey McCurry, CAET John Carl Mullins, Jr., CAET

Donna Jean Rice, CAET Thomas Clayborn Smith, CAET Thomas Earl Wilson, III, CAET

Certified Animal Control Agencies

City of Lawrenceburg Animal Control

Board Correspondence

The Board reviewed correspondence from Allie Sasser, DVM, requesting the Board's consideration of amending board rules to allow for the use of ketamine in the pre-euthanasia solution mixture by certified animal euthanasia technicians in a certified animal control agency. The Board tabled the matter and requested that additional information be provided justifying the need for the use of ketamine by certified animal euthanasia technicians in certified animal control agencies.

The Board reviewed correspondence from Ronald E. Whitford, DVM, regarding vaccinations performed by unlicensed personnel at an animal shelter. T.C.A. § 63-12-133(a)(4) creates an exemption to the licensure requirement allowing "any person or the person's regular employee" to treat the person's own animal. Under this exemption, unlicensed personnel working for a shelter could legally vaccinate animals owned by the shelter, "unless title has been transferred or employment provided for the purpose of circumventing this law." The Practice Act would not prohibit charging a fee to a pet's new owner for vaccinations already provided while the animal was owned by the shelter. However, unlicensed personnel are not allowed to vaccinate an animal after the animal has been sold to a new owner, regardless of whether a fee is charged. Charging or not charging a fee has no effect on the legality of such a vaccination.

The Board reviewed correspondence from Michelle Williams, DVM, regarding providing veterinary consultations at the pet supply store where she is employed. Dr. Williams joined the meeting via telephone. It was discussed that if the consultations rise to the level of practicing veterinary medicine, then Dr. Williams would be required to obtain a premises permit and not allow the facility owner to interfere with veterinary diagnostic or treatment decisions, under T.C.A. § 63-12-137. The "practice of veterinary medicine", as defined in T.C.A. § 63-12-103(10), would include diagnosing or offering treatment recommendations for an animal during

a consultation. In that case, the facility would at least meet the definition of "office", which is defined in T.C.A. § 63-12-103(18) as "a veterinary facility where a limited or consultative practice is conducted and that provides no facilities for the housing of patients." Based on the discussion, the Board decided that it would be to Dr. Williams' advantage to obtain a premises permit if offering these types of consultations.

The Board reviewed correspondence from Ms. Connie Bailey regarding rabies vaccinations and the use of controlled substances at certified animal control agencies. Tennessee Code Annotated § 68-8-103(d) states: "All rabies vaccinations of dogs and cats as required by this chapter shall be administered only under the supervision of a veterinarian." The Veterinary Practice Act generally requires "responsible supervision" of veterinary employees. The rules and regulations generally require "the direct supervision of a licensed veterinarian on premises" of veterinary employees. The definition of "direct supervision" does not require the veterinarian to be a direct witness to a vaccine administration, although there could be circumstances where "responsible supervision" might require such in-person supervision. The Board does not have regulatory authority over animal shelters in general; however, it does regulate certified animal control agencies. In a certified animal control agency, euthanasia drugs may be administered by a licensed veterinarian, a licensed veterinary medical technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician. Rule 1730-04-.09 (recordkeeping) requires a log "for all controlled substances used by a certified animal control agency." Rule 1730-04-.13 requires compliance with all federal regulations and record-keeping requirements as well as a "record of all euthanasia and preeuthanasia solutions administered." The Board of Veterinary Medical Examiners cannot answer the question of whether it is legal for a convicted felon to handle controlled substances. Under Rule 1730-04-.13, the only drugs approved for euthanasia are sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital. Only acepromazine and xylazine may be used by certified animal euthanasia technicians as pre-Other pre-euthanasia drugs would require the responsible and direct euthanasia drugs. supervision of a licensed veterinarian.

Discussion - Additional Instructors for Euthanasia Course

The Board reviewed a request from Lisa M. Chassy, DVM, MS, requesting approval of Susie Matthews, DVM, and Allie Sasser, DVM, as instructors for the euthanasia course entitled "Techniques in Humane Euthanasia". Upon discussion, the Board granted the request.

Adjournment

There being no further business, the Board moved to adjourn at 2:00 p.m.

These minutes were ratified at the meeting held on April 11, 2012.